

§ 1609.6

(a) The requirements of § 1609.4 are met, and

(b) Funds received are not used for purposes prohibited by the Act, these regulations, or other law applicable to the expenditure of funds appropriated in the year the fee is received, and are accounted for in the manner directed by the Corporation.

§ 1609.6 Accounting for attorneys' fees.

Fees awarded to a recipient represent compensation to the recipient for resources expended in litigating a particular matter. The revenue from such fees shall be recorded in the same fund to which the related expenses have been charged. The revenue shall be recorded during the accounting period in which the money from the fee award is received by the recipient.

§ 1609.7 Acceptance of reimbursement.

When a case or matter subject to this part results in a recovery of damages, other than statutory benefits, a recipient may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if

(a) The requirements of § 1609.4 are met, and

(b) The client has agreed in writing to reimburse the recipient for such costs and expenses.

§ 1609.8 Applicability.

Nothing in this part shall prevent a recipient from:

(a) Requiring a client to pay court fees when the client does not qualify to proceed in forma pauperis under the rules of the jurisdiction; or

(b) Accepting a fee in a case that was initiated prior to adoption of this part;

(c) Acting as co-counsel with a private attorney when the case meets the standards set forth in § 1609.5, and accepting part of any fees that may result from a shared case.

PART 1610—USE OF NON-LSC FUNDS

Sec.

1610.1 Purpose.

1610.2 Definitions.

1610.3 Prohibition.

1610.4 Authorized use of other funds.

45 CFR Ch. XVI (10–1–96 Edition)

1610.5 Notification.

1610.6 Applicability.

1610.7 Accounting.

AUTHORITY: 42 U.S.C. 2996i; 110 Stat. 1321 (1996).

SOURCE: 61 FR 41962, Aug. 13, 1996, unless otherwise noted.

§ 1610.1 Purpose.

This part is designed to implement statutory restrictions on the use of non-LSC funds by LSC recipients.

§ 1610.2 Definitions.

(a) *Purpose prohibited by the LSC Act* means any activity prohibited by the following sections of the LSC Act and those provisions of the Corporation's regulations that implement such sections of the Act:

(1) Sections 1006(d)(3), 1006(d)(4), 1007(a)(6), and 1007(b)(4) of the LSC Act and 45 CFR Part 1608 of the LSC Regulations (Political activities);

(2) Section 1007(a)(10) of the LSC Act (Activities inconsistent with professional responsibilities);

(3) Section 1007(b)(2) of the LSC Act and 45 CFR Part 1613 of the LSC Regulations (Criminal proceedings);

(4) Section 1007(b)(3) of the LSC Act and 45 CFR Part 1615 of the LSC Regulations (Actions challenging criminal convictions);

(5) Section 1007(b)(7) of the LSC Act and 45 CFR Part 1612 of the LSC Regulations (Organizing activities);

(6) Section 1007(b)(8) of the LSC Act (Abortions);

(7) Section 1007(b)(9) of the LSC Act (School desegregation); and

(8) Section 1007(b)(10) of the LSC Act (Violations of Military Selective Service Act or military desertion).

(b) *Activity prohibited by or inconsistent with Section 504* means any activity prohibited by, or inconsistent with the requirements of, the following sections of 110 Stat. 1321 (1996) and those provisions of the Corporation's regulations that implement those sections:

(1) Section 504(a)(1) and 45 CFR Part 1632 of the LSC Regulations (Restricting);

(2) Sections 504(a)(2) through (6), as modified by Sections 504(b) and (e), and 45 CFR Part 1612 of the LSC Regulations (Legislative and administrative advocacy);